

## EXHIBIT B

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10 *Attorneys for Plaintiff DAVID TOURGEMAN*

11 UNITED STATES DISTRICT COURT  
12 SOUTHERN DISTRICT OF CALIFORNIA

13 DAVID TOURGEMAN,

14 Plaintiff,

15 vs.

16 COLLINS FINANCIAL SERVICES, INC., a  
17 corporation; NELSON & KENNARD, a  
partnership, DELL FINANCIAL SERVICES,  
18 L.P., a limited partnership; DFS  
ACCEPTANCE, a corporation; DFS  
19 PRODUCTION, a corporation, AMERICAN  
INVESTMENT BANK, N.A., a corporation;  
20 and DOES 1 through 10, inclusive,

21 Defendants.

CASE NO.: 08-CV-1392-JLS(NLS)

PLAINTIFF DAVID TOURGEMAN'S  
REQUEST FOR PRODUCTION OF  
DOCUMENTS TO DEFENDANT  
NELSON & KENNARD (SET ONE)

Judge: Honorable Janis L. Sammartino

22 **PROPOUNDING PARTY: Plaintiff DAVID TOURGEMAN**

23 **RESPONDING PARTY: Defendant NELSON & KENNARD**

24 **SET NO.: ONE**

25 Under Rule 33 of the Federal Rules of Civil Procedure, Plaintiff David Tourgeman requests that  
26 Defendant Nelson & Kennard produce and permit inspection and production of the DOCUMENTS and  
27 tangible things related to or falling within the categories described below, within thirty (30) days from  
28

1 the date of service, at Johnson Bottini, LLP, 655 West Broadway, Suite 1400, San Diego, CA 92101.  
2 If for any reason the inspection and copying of said documents and things shall not be completed on the  
3 date and time set forth above, the inspection and copying thereof shall be continued from day to day at  
4 the same place until completed.

#### 5 DEFINITIONS

6 1. As used in these requests, the terms "NELSON" means Defendant Nelson &  
7 Kennard, and any of its past or present agents, employees, representatives, attorneys, accountants,  
8 investigators, assigns, predecessors-in-interest, successors-in-interest, or anyone else acting on  
9 Nelson & Kennard's behalf.

10 2. As used in these requests, the terms "COLLINS" means Defendant Collins Financial  
11 Services, Inc., and any of its past or present agents, employees, representatives, attorneys,  
12 accountants, investigators, assigns, predecessors-in-interest, successors-in-interest, or anyone else  
13 acting on Collins Financial Services, Inc.'s behalf.

14 3. As used in these requests, the terms "DOCUMENT" and "DOCUMENTS" mean, every  
15 writing or record of every type and description that is in the possession, custody, or control of YOU,  
16 including, but not limited to, correspondence, memoranda, stenographic or handwritten notes, studies,  
17 publications, books, pamphlets, pictures, films, voice recordings, reports, surveys; minutes or statistical  
18 compilations, data processing cards, or computer records, files, disks, or tapes or print-outs; agreements,  
19 communications, state and federal governmental hearings, and reports, correspondence, telegrams,  
20 memoranda, summaries or records of telephone conversations, summaries or records of personal  
21 conversations or interviews, diaries, graphs, reports, notebooks, note charts, plans, drawings, sketches,  
22 maps, summaries or records of meetings or conferences, summaries or reports of investigations or  
23 negotiations, opinions or reports of consultants, photographs, motion picture film, brochures,  
24 pamphlets, advertisements, circulars, press releases, drafts, letters, any marginal comments appearing  
25 on any document, and all other writings.

26 4. As used in these requests, the term "ALL DOCUMENTS" shall be construed to mean  
27 every DOCUMENT, as above-defined, within the custody, possession, or control of YOU and YOUR  
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1 representatives, employees, and/or agents, whether an original or copy, known to YOU and every such  
2 DOCUMENT or writing which YOU can locate or discover by reasonably diligent efforts.

3 5. As used in these requests, the term "RELATE TO" or "RELATING TO" means, by way  
4 of example and without limitation, demonstrates, describes, memorializes, evidences, comprises, refers  
5 to, pertains to, supports, contradicts, affects, or concerns all or any portion of the matters, facts, and  
6 contentions specified in the Request.

7 6. As used in these requests, the term "CONCERNING" means relating to, referring to,  
8 describing, discussing, evidencing, regarding, or constituting.

9 7. As used in these requests, the terms "YOU" and "YOUR" mean the responding  
10 defendant and any other person or entity acting on their behalf.

11 8. As used in these requests, the terms "COMMUNICATION," "COMMUNICATED," or  
12 "COMMUNICATIONS" refers to every manner or means of disclosure, transfer, or exchange of  
13 information (in the form of facts, ideas, inquiries, or otherwise), whether orally, electronically, by  
14 document, telecopier, mail, electronic mail, personal delivery, or otherwise.

15 9. As used in these requests, the term "AGENCY" refers to any federal, state, or local  
16 governmental agency, and any of its divisions, departments, committees, predecessors, successors,  
17 officers, executives, representatives, employees, or agents, including, but not limited to, attorneys,  
18 accountants, or government investigators.

19 10. The word "ANY" shall be construed to mean "any and all."

20 11. The connectives "AND" and "OR" shall be construed either disjunctively or  
21 conjunctively as necessary to bring within the scope of the discovery request ALL DOCUMENTS and  
22 responses that might otherwise be construed to be outside the demand's scope.

23 12. The use of the singular form of any word includes the plural and vice versa.

24 **GENERAL INSTRUCTIONS**

25 1. The connectives "and" and "or" shall be construed either disjunctively or conjunctively  
26 as necessary to bring within the scope of the document request all responses that otherwise might be  
27 construed to be outside of the demand's scope.

28 2. The use of the singular form shall be deemed to include the plural form and vice versa.

1           3.     The use of one gender of pronoun shall include all others, as appropriate in the context.

2           4.     This Request covers all DOCUMENTS in NELSON's possession, or subject to  
3 NELSON's custody or control, whether such DOCUMENTS are held by YOU or by YOUR agents,  
4 employees, investigators, attorneys, or accountants, and whether such DOCUMENTS are located in  
5 NELSON's principal office, NELSON's foreign, subsidiary, regional, or divisional offices, or any other  
6 office or storage place maintained, utilized, operated, owned, or controlled by YOU.

7           5.     For any DOCUMENT which you claim is protected against disclosure as "work product"  
8 or "privileged," please provide the following information:

9               (a)    A description of the DOCUMENT sufficiently particular to identify it and to  
10                   enable the requesting party to identify it, and to disclose or produce it in  
11                   response to an order of the above-entitled Court;

12              (b)    Its author or a list of all persons who participated in the preparation of the  
13                   DOCUMENT;

14              (c)    Its date;

15              (d)    All addresses or recipients (including the identity of all persons who have  
16                   received a copy);

17              (e)    The identity of all persons who now have or have ever had possession, custody,  
18                   or control of the original or any copy of such DOCUMENT, or to whom the  
19                   contents of the DOCUMENT have been disclosed;

20              (f)    Its subject matter; and

21              (g)    The basis on which the privilege is claimed.

22           6.     File folders with tabs or labels identifying DOCUMENTS must be produced intact with  
23 the DOCUMENTS.

24           7.     DOCUMENTS attached to each other should not be separated.

25           8.     Selection of DOCUMENTS from files and other sources shall be performed in a manner  
26 sufficient to ensure that the source of each DOCUMENT may be determined, if necessary.

27           9.     In responding to these requests, furnish all responsive DOCUMENTS available at the  
28 time of production, including DOCUMENTS in the possession of your agents and representatives.

12. Notwithstanding the assertion of your objection, any requested DOCUMENT which you object to furnishing but which nevertheless contains non-objectionable information which is responsive to any request must be produced, but that portion of the DOCUMENT for which the objection is asserted may be withheld provided that the above requested information is furnished.

	<u>RELEVANT PERIOD</u>
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**REQUESTS FOR PRODUCTION OF DOCUMENTS**

**RELEVANT PERIOD**

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

## REQUESTS FOR PRODUCTION OF DOCUMENTS

**REQUEST FOR PRODUCTION NO. 1:**

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1 **REQUEST FOR PRODUCTION NO. 2:**

2 Please produce ALL training materials RELATING TO the collection of debts YOU provide to  
3 NELSON employees.

4 **REQUEST FOR PRODUCTION NO. 3:**

5 Please produce ALL DOCUMENTS CONCERNING the duties and responsibilities of  
6 NELSON employees who receive data RELATING TO alleged debts.

7 **REQUEST FOR PRODUCTION NO. 4:**

8 Please produce ALL DOCUMENTS that RELATE TO YOUR policies and guidelines for  
9 investigating alleged debts.

10 **REQUEST FOR PRODUCTION NO. 5:**

11 Please produce ALL DOCUMENTS that RELATE TO YOUR policies and guidelines for filing  
12 a lawsuit against an alleged debtor.

13 **REQUEST FOR PRODUCTION NO. 6:**

14 Please produce ALL DOCUMENTS that RELATE TO YOUR policies and guidelines for  
15 dismissing a complaint filed against an alleged debtor.

16 **REQUEST FOR PRODUCTION NO. 7:**

17 Please produce ALL form letters, enclosures, envelopes, complaints, memoranda, etc., used by  
18 NELSON in its debt collection activity.

19 **REQUEST FOR PRODUCTION NO. 8:**

20 Please produce ALL DOCUMENTS that RELATE TO YOUR investigation of Plaintiff David  
21 Tourgeman's alleged debt.

22 **REQUEST FOR PRODUCTION NO. 9:**

23 Please produce ALL DOCUMENTS that RELATE TO any communications between YOU and  
24 COLLINS regarding collection practices and procedures.

25 **REQUEST FOR PRODUCTION NO. 10:**

26 Please produce ALL complaints that YOU filed on behalf of COLLINS from July 31, 2007 to  
27 the present suing for breach of contract or under Rule 3.740 "collections cases."  
28

1 **REQUEST FOR PRODUCTION NO. 11:**

2 Please produce ALL DOCUMENTS that RELATE TO the financial arrangement between YOU  
3 and COLLINS.

4 **REQUEST FOR PRODUCTION NO. 12:**

5 Please produce ALL DOCUMENTS that RELATE TO the number of alleged debtors that YOU  
6 filed complaints against from July 31, 2007 to the present.

7 **REQUEST FOR PRODUCTION NO. 13:**

8 Please produce ALL DOCUMENTS that RELATE TO the number of alleged debtors that YOU  
9 mailed letters to requesting payment of an alleged debt from July 31, 2007 to the present.

10 **REQUEST FOR PRODUCTION NO. 14:**

11 Please produce ALL DOCUMENTS that RELATE TO YOUR 1692g notices, including but not  
12 limited to every sample collection letter YOU send to alleged debtors.

13 **REQUEST FOR PRODUCTION NO. 15:**

14 Please produce ALL DOCUMENTS RELATING TO the procedures and guidelines YOU set to  
15 collect debts.

16 **REQUEST FOR PRODUCTION NO. 16:**

17 Please produce ALL copies of the complaint in any litigation filed against NELSON alleging  
18 violations of the Fair Debt Collection Practices Act and the Rosenthal Act.

19 **REQUEST FOR PRODUCTION NO. 17:**

20 Please produce ALL DOCUMENTS that RELATE TO YOUR policy for the retention and  
21 destruction of records, DOCUMENTS, or files from July 31, 2007 to the present.

22 **REQUEST FOR PRODUCTION NO. 18:**

23 Please produce ALL DOCUMENTS that RELATE TO the complaint YOU filed in San Diego  
24 Superior Court on August 2, 2007, Case No. 37-2007-00072265-CL-CL-CTL ("*Collins v.*  
25 *Tourgeman*"), including, but not limited to, all documents YOU relied on in drafting the complaint.

26 **REQUEST FOR PRODUCTION NO. 19:**

27 Please produce ALL DOCUMENTS relating to the maintenance of procedures by NELSON  
28 adopted to avoid any violation of the Fair Debt Collection Practices Act and the Rosenthal Act.



1 **REQUEST FOR PRODUCTION NO. 20:**

2 Please produce ALL material, including video and audio tapes, pertaining to training by or for  
3 NELSON and its employees regarding the Fair Debt Collection Practices Act and the Rosenthal Act.

4 **REQUEST FOR PRODUCTION NO. 21:**

5 Please produce ALL DOCUMENTS RELATING TO insurance policies covering NELSON for  
6 violation of the Fair Debt Collection Practices Act and the Rosenthal Act.

7 **REQUEST FOR PRODUCTION NO. 22:**

8 Please produce ALL DOCUMENTS that RELATE TO an investigation of NELSON by an  
9 AGENCY for violations of California's Unfair Competition Laws, the Federal Debt Collection  
10 Practices Act and the Rosenthal Act.

11 **REQUEST FOR PRODUCTION NO. 23:**

12 Please produce ALL DOCUMENTS that RELATE TO NELSON's procedures to verify alleged  
13 debts when received from a debt collector client, including but not limited to, COLLINS.

14 **REQUEST FOR PRODUCTION NO. 24:**

15 Please produce ALL DOCUMENTS that RELATE TO the retention agreements, including the  
16 retention agreements themselves (or other operative document describing the respective duties and  
17 obligations of client and attorney), if any, between NELSON and COLLINS.

18 **REQUEST FOR PRODUCTION NO. 25:**

19 Please produce ALL DOCUMENTS that RELATE TO NELSON's policies and procedures for  
20 settling alleged debts with debtors.

21 **REQUEST FOR PRODUCTION NO. 26:**

22 Please produce ALL DOCUMENTS that RELATE TO NELSON's revenue for each calendar  
23 year from 2005 to the present, including but not limited to financial summaries, period reports, tax  
24 returns and financial statements.

25 **REQUEST FOR PRODUCTION NO. 27:**

26 Please produce ALL DOCUMENTS that RELATE TO NELSON's phone calls, including but  
27 not limited to phone records and call logs, placed to David Tourgeman, Cesar Tourgeman, Rebecca  
28 Tourgeman or anyone else for the purposes of collecting David Tourgeman's alleged debt.

1 **REQUEST FOR PRODUCTION NO. 28:**

2 Please produce ALL DOCUMENTS that RELATE TO NELSON's processes for receiving the  
3 transmitted account information of debtors from COLLINS.

4 **REQUEST FOR PRODUCTION NO. 29:**

5 Please produce ALL DOCUMENTS that RELATE TO NELSON' contracts with skip-tracing  
6 services and other data providers YOU use to find current information for any alleged debtor.

7  
8  
9 DATED: April 2, 2009

JOHNSON BOTTINI, LLP

10  
11 By:

  
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12 FRANCIS A. BOTTINI, JR.  
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*Attorneys for Plaintiff DAVID TOURGEMAN*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

DAVID TOURGEMAN,

Plaintiff,

vs.

COLLINS FINANCIAL SERVICES, INC., a  
corporation; NELSON & KENNARD, a  
partnership, DELL FINANCIAL SERVICES,  
L.P., a limited partnership; DFS  
ACCEPTANCE, a corporation; DFS  
PRODUCTION, a corporation, AMERICAN  
INVESTMENT BANK, N.A., a corporation;  
and DOES 1 through 10, inclusive,

Defendants.

CASE NO.: 08-CV-1392-JLS(NLS)

**PLAINTIFF DAVID TOURGEMAN'S  
SPECIAL INTERROGATORIES TO  
DEFENDANT NELSON & KENNARD  
(SET ONE)**

Judge: Honorable Janis L. Sammartino

**PROPOUNDING PARTY: Plaintiff DAVID TOURGEMAN**

**RESPONDING PARTY: Defendant NELSON & KENNARD**

**SET NO.: ONE**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff David Tourgeman hereby requests that Defendant Nelson & Kennard answer separately and under oath the following Special Interrogatories within thirty (30) days from the date of service.

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**GENERAL INSTRUCTIONS**

1. Each Interrogatory should be answered upon your entire knowledge from all sources and all information in your possession or otherwise available to you, including information from your officers, employees, agents, representatives, or consultants and information which is known by each of them. An incomplete or evasive answer is a failure to answer.

2. If any answer is qualified, state specifically the terms of each qualification and the reasons for it. If an Interrogatory cannot be answered in full, state the part which can be answered and answer the same in full to the extent possible; state further and specifically the reason(s) why the remainder cannot be answered.

3. Unless otherwise specified in a particular paragraph, provide the information and documents requested for the period of July 31, 2007 to the present. Each Interrogatory is considered continuing, and, if Nelson & Kennard obtains information which renders its answers, or one of them, incomplete or inaccurate, Nelson & Kennard is obligated to serve amended answers on the undersigned.

4. The terms "document" or "documents" in these Interrogatories shall refer to all writings and recorded materials, of any kind, that are or have been in the possession, custody, or control of Nelson & Kennard of which Nelson & Kennard has knowledge, whether originals or copies. Such writings or recordings include, but are not limited to, contracts, documents, notes, rough drafts, interoffice memoranda, memoranda for the files, letters, research materials, correspondence, logs, diaries, forms, bank statements, tax returns, card files, books of account, journals, ledgers, invoices, diagrams, drawings, computer files, records, documents, data, print-outs or tapes, reports, statistical computations, studies, graphs, charts, minutes, manuals, pamphlets, or books of all nature and kind, whether handwritten, typed, printed, mimeographed, photocopied, or otherwise reproduced, all tape recordings (whether for computer, audio, or visual replay) or other written, printed, and recorded matter or tangible things on which words, phrases, symbols, or information are recorded.

5. A request to identify a document is a request to state as applicable:

1. The date of the document;

2. The type of document;
3. The names and present addresses of the person or persons who prepared the document and of the signers and addressers of the document;
4. The name of the employer or principal whom the signers, addressers, and preparers were representing;
5. The present location of the document;
6. The name and current business and home addresses of the present custodians of the original document, and any copies of it;
7. A summary of the contents of the document; and
8. If the original document was destroyed, the date and reason for or circumstances under which it was destroyed.

6. If any Interrogatory may be answered fully by a document, the document may be attached in lieu of an answer if the document is marked to refer to the Interrogatory to which it responds.

### **SPECIAL INTERROGATORIES**

#### **SPECIAL INTERROGATORY NO. 1:**

Please identify the number of persons and entities in the United States who you contacted for the purposes of debt collection from July 31, 2007 to the present. (As used throughout these interrogatories, "NELSON" means Defendant Nelson & Kennard and any of its past or present agents, employees, representatives, attorneys, accountants, investigators, assigns, predecessors-in-interest, successors-in-interest, or anyone else acting on Nelson & Kennard's behalf.)

#### **SPECIAL INTERROGATORY NO. 2:**

Please identify the number of persons and entities in the United States who you sued for the purposes of debt collection from July 31, 2006 to the present.

#### **SPECIAL INTERROGATORY NO. 3:**

Please state the name(s), business address(es), and job title(s) or capacity(ies) of the officer(s), employee(s), or agent(s) answering or providing any information used to answer each Interrogatory.

1 **SPECIAL INTERROGATORY NO. 4:**

2 Please state the form of NELSON's organization and the date and place the organization was  
3 organized and registered and/or licensed to do business.

4 **SPECIAL INTERROGATORY NO. 5:**

5 Please describe NELSON's procedures and policies for receiving debt related information from  
6 NELSON's client.

7 **SPECIAL INTERROGATORY NO. 6:**

8 Please describe NELSON's procedures and policies for determining the debt amount NELSON  
9 demands from alleged debtors, including but limited to, the method of calculating principal owed,  
10 interest assessed and penalties applied.

11 **SPECIAL INTERROGATORY NO. 7:**

12 Please describe NELSON's procedures and policies for filing a lawsuit for breach of contract on  
13 behalf of NELSON's client.

14 **SPECIAL INTERROGATORY NO. 8:**

15 Please describe NELSON's procedures and NELSON's client on "Rule 3.740 collections"  
16 grounds.

17 **SPECIAL INTERROGATORY NO. 9:**

18 Please describe NELSON's procedures and policies for determining the debt amount NELSON  
19 demands from alleged debtors, including but not limited to, the manner of calculation of principal debt,  
20 interest and penalties.

21 **SPECIAL INTERROGATORY NO. 10:**

22 Please describe NELSON's procedures and policies for settling outstanding alleged debts from  
23 alleged debtors.

24 **SPECIAL INTERROGATORY NO. 11:**

25 Please identify all creditors that retained NELSON - from July 31, 2006 to the present - for the  
26 purposes of collecting debts.

27 **SPECIAL INTERROGATORY NO. 12:**

28 Please identify all lawsuits for breach of contract, Rule 3.740 collections cases, violations of the

1 FDCPA and violations of the Rosenthal Act –by caption, court, civil action number, and result - that  
2 NELSON is or has been a party to since July 31, 2006 that contain allegations of breach of contract or  
3 “Rule 3.740 collections.”

4 **SPECIAL INTERROGATORY NO. 13:**

5 Did NELSON make any substantive changes in company policy from July 31, 2006 to the  
6 present? If so, please identify and describe any substantive changes NELSON made -- from July 31,  
7 2006 to the present – to any NELSON policy or procedure in an effort to comply with the provisions of  
8 the Federal Debt Collection Practices Act.

9 **SPECIAL INTERROGATORY NO. 14:**

10 Please describe the compensation agreements between NELSON and any creditor that uses  
11 NELSON to file complaints against alleged debtors for breach of contract and Rule 3.740 collections.

12 **SPECIAL INTERROGATORY NO. 15:**

13 Please identify the documents NELSON relied upon to confirm the amount of David  
14 Tourgeman’s debt.

15 **SPECIAL INTERROGATORY NO. 16:**

16 Please identify the number of demand letters NELSON sent to alleged debtors from July 2006 to  
17 the present.

18 **SPECIAL INTERROGATORY NO. 17:**

19 Please describe the work done by Jonathan Ayers to verify the information contained in the  
20 complaint filed in Case No. 37-2007-00072265-CL-CL-CTL, entitled *Collins v. Tourgeman*.

21 **SPECIAL INTERROGATORY NO. 18:**

22 Please describe the process NELSON uses to skip trace alleged debtors in the event of a debtor’s  
23 address or phone number change.

24 **SPECIAL INTERROGATORY NO. 19:**

25 Please describe the position at NELSON that prepares the affidavit authorizing legal action  
26 against an alleged debtor, including but not limited to the position’s duties, responsibilities, job  
27 requirements, and the number of people who perform this task for NELSON.

28

1 **SPECIAL INTERROGATORY NO. 20:**

2 If NELSON's response to Plaintiff David Tourgeman's Requests for Admission (Set One)  
3 Request 3 served concurrently with Plaintiff David Tourgeman's Special Interrogatories is anything  
4 other than an unqualified admission, please explain the basis for NELSON's denial.

5 **SPECIAL INTERROGATORY NO. 21:**

6 If NELSON's response to Plaintiff David Tourgeman's Requests for Admission (Set One)  
7 Request 12 served concurrently with Plaintiff David Tourgeman's Special Interrogatories is anything  
8 other than an unqualified admission, please explain the basis for NELSON's denial.

9  
10 DATED: April 2, 2009

JOHNSON BOTTINI, LLP

11  
12 By: \_\_\_\_\_

  
DEREK J. WILSON

13 FRANCIS A. BOTTINI, JR.  
14 FRANK J. JOHNSON  
15 BRETT M. WEAVER  
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18 *Attorneys for Plaintiff David Tourgeman*  
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*Attorneys for Plaintiff DAVID TOURGEMAN*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

DAVID TOURGEMAN,

Plaintiff,

vs.

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L.P., a limited partnership; DFS  
ACCEPTANCE, a corporation; DFS  
PRODUCTION, a corporation, AMERICAN  
INVESTMENT BANK, N.A., a corporation;  
and DOES 1 through 10, inclusive,

Defendants.

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DOCUMENTS TO DEFENDANT  
COLLINS FINANCIAL SERVICES, INC.  
(SET ONE)**

Judge: Honorable Janis L. Sammartino

**PROPOUNDING PARTY: Plaintiff DAVID TOURGEMAN**

**RESPONDING PARTY: Defendant COLLINS FINANCIAL SERVICES, INC.**

**SET NO.: ONE**

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4 continued from day to day at the same place until completed.

#### 5 DEFINITIONS

6 1. As used in these requests, the terms "COLLINS" means Defendant Collins Financial  
7 Services, Inc., and any of its past or present agents, employees, representatives, attorneys, accountants,  
8 investigators, assigns, predecessors-in-interest, successors-in-interest, or anyone else acting on Collins  
9 Financial Services, Inc.'s behalf.

10 2. As used in these requests, the terms "NELSON" means Defendant Nelson & Kennard,  
11 and any of its past or present agents, employees, representatives, attorneys, accountants, investigators,  
12 assigns, predecessors-in-interest, successors-in-interest, or anyone else acting on Nelson & Kennard's  
13 behalf.

14 3. As used in these requests, the terms "DOCUMENT" and "DOCUMENTS" mean,  
15 every writing or record of every type and description that is in the possession, custody, or control of  
16 YOU, including, but not limited to, correspondence, memoranda, stenographic or handwritten notes,  
17 studies, publications, books, pamphlets, pictures, films, voice recordings, reports, surveys; minutes  
18 or statistical compilations, data processing cards, or computer records, files, disks, or tapes or print-  
19 outs; agreements, communications, state and federal governmental hearings, and reports,  
20 correspondence, telegrams, memoranda, summaries or records of telephone conversations,  
21 summaries or records of personal conversations or interviews, diaries, graphs, reports, notebooks,  
22 note charts, plans, drawings, sketches, maps, summaries or records of meetings or conferences,  
23 summaries or reports of investigations or negotiations, opinions or reports of consultants,  
24 photographs, motion picture film, brochures, pamphlets, advertisements, circulars, press releases,  
25 drafts, letters, any marginal comments appearing on any document, and all other writings.

26 4. As used in these requests, the term "ALL DOCUMENTS" shall be construed to  
27 mean every DOCUMENT, as above-defined, within the custody, possession, or control of YOU and  
28 YOUR representatives, employees, and/or agents, whether an original or copy, known to YOU and

1 every such DOCUMENT or writing which YOU can locate or discover by reasonably diligent  
2 efforts.

3 5. As used in these requests, the term "RELATE TO" or "RELATING TO" means, by  
4 way of example and without limitation, demonstrates, describes, memorializes, evidences,  
5 comprises, refers to, pertains to, supports, contradicts, affects, or concerns all or any portion of the  
6 matters, facts, and contentions specified in the Request.

7 6. As used in these requests, the term "CONCERNING" means relating to, referring to,  
8 describing, discussing, evidencing, regarding, or constituting.

9 7. As used in these requests, the terms "YOU" and "YOUR" mean the responding  
10 defendant and any other person or entity acting on their behalf.

11 8. As used in these requests, the terms "COMMUNICATION," "COMMUNICATED,"  
12 or "COMMUNICATIONS" refers to every manner or means of disclosure, transfer, or exchange of  
13 information (in the form of facts, ideas, inquiries, or otherwise), whether orally, electronically, by  
14 document, telecopier, mail, electronic mail, personal delivery, or otherwise.

15 9. As used in these requests, the term "AGENCY" refers to any federal, state, or local  
16 governmental agency, and any of its divisions, departments, committees, predecessors, successors,  
17 officers, executives, representatives, employees, or agents, including, but not limited to, attorneys,  
18 accountants, or government investigators.

19 10. The word "ANY" shall be construed to mean "any and all."

20 11. The connectives "AND" and "OR" shall be construed either disjunctively or  
21 conjunctively as necessary to bring within the scope of the discovery request ALL DOCUMENTS  
22 and responses that might otherwise be construed to be outside the demand's scope.

23 12. The use of the singular form of any word includes the plural and vice versa.

24 **GENERAL INSTRUCTIONS**

25 1. The connectives "and" and "or" shall be construed either disjunctively or conjunctively  
26 as necessary to bring within the scope of the document request all responses that otherwise might be  
27 construed to be outside of the demand's scope.

28 2. The use of the singular form shall be deemed to include the plural form and vice versa.

1           3.     The use of one gender of pronoun shall include all others, as appropriate in the context.

2           4.     This Request covers all DOCUMENTS in COLLINS' possession, or subject to  
3 COLLINS' custody or control, whether such DOCUMENTS are held by YOU or by YOUR agents,  
4 employees, investigators, attorneys, or accountants, and whether such DOCUMENTS are located in  
5 COLLINS' principal office, COLLINS' foreign, subsidiary, regional, or divisional offices, or any other  
6 office or storage place maintained, utilized, operated, owned, or controlled by YOU.

7           5.     For any DOCUMENT which you claim is protected against disclosure as "work product"  
8 or "privileged," please provide the following information:

9               (a)    A description of the DOCUMENT sufficiently particular to identify it and to  
10                   enable the requesting party to identify it, and to disclose or produce it in  
11                   response to an order of the above-entitled Court;

12              (b)    Its author or a list of all persons who participated in the preparation of the  
13                   DOCUMENT;

14              (c)    Its date;

15              (d)    All addresses or recipients (including the identity of all persons who have  
16                   received a copy);

17              (e)    The identity of all persons who now have or have ever had possession, custody,  
18                   or control of the original or any copy of such DOCUMENT, or to whom the  
19                   contents of the DOCUMENT have been disclosed;

20              (f)    Its subject matter; and

21              (g)    The basis on which the privilege is claimed.

22           6.     File folders with tabs or labels identifying DOCUMENTS must be produced intact with  
23 the DOCUMENTS.

24           7.     DOCUMENTS attached to each other should not be separated.

25           8.     Selection of DOCUMENTS from files and other sources shall be performed in a manner  
26 sufficient to ensure that the source of each DOCUMENT may be determined, if necessary.

27           9.     In responding to these requests, furnish all responsive DOCUMENTS available at the  
28 time of production, including DOCUMENTS in the possession of your agents and representatives.

11. You are requested to produce all DOCUMENTS described below that are in your custody or under your control in the form and in the same order within each file in which they are located prior to production. The file folders, boxes, binders, or other containers in which such DOCUMENTS are found are also requested to be produced intact, including the title, labels, or other description of each such folder, box, binder, or container.

9           12.     Notwithstanding the assertion of your objection, any requested DOCUMENT which you  
10 object to furnishing but which nevertheless contains non-objectionable information which is responsive  
11 to any request must be produced, but that portion of the DOCUMENT for which the objection is  
12 asserted may be withheld provided that the above requested information is furnished.

13           13. Each DOCUMENT requested herein is requested to be produced in its entirety and  
14 without deletion or excisions, regardless of whether you consider the entire DOCUMENT to be relevant  
15 or responsive to these requests. If you have redacted any portion of a DOCUMENT, stamp the word  
16 "REDACTED" on each portion of the DOCUMENT which you have redacted. Redactions should be  
17 included on the privilege log described above.

**RELEVANT PERIOD**

19 Unless otherwise stated, the relevant time period of these requests is from July 31, 2005, to the  
20 present, and shall include all DOCUMENTS that RELATE TO, in whole or in part, to such period even  
21 though they are dated, prepared, or received prior to or subsequent to that period.

## REQUESTS FOR PRODUCTION OF DOCUMENTS

**REQUEST FOR PRODUCTION NO. 1:**

24 Please produce ALL COMMUNICATIONS between COLLINS and NELSON that RELATE  
25 TO Plaintiff David Tourgeman and the collection of his alleged debt. To the extent that these  
26 communications need to be redacted for privilege, please provide Plaintiff with a privilege log as  
27 described above.

1 **REQUEST FOR PRODUCTION NO. 2:**

2 Please produce ALL training materials that RELATE TO debt collection YOU provide to  
3 COLLINS employees.

4 **REQUEST FOR PRODUCTION NO. 3:**

5 Please produce ALL DOCUMENTS CONCERNING the duties and responsibilities of  
6 COLLINS employees who receive, maintain, and send data regarding alleged debts.

7 **REQUEST FOR PRODUCTION NO. 4:**

8 Please produce ALL DOCUMENTS that RELATE TO YOUR policies and guidelines for  
9 investigating alleged debts.

10 **REQUEST FOR PRODUCTION NO. 5:**

11 Please produce ALL DOCUMENTS that RELATE TO YOUR policies and guidelines for filing  
12 a lawsuit against an alleged debtor.

13 **REQUEST FOR PRODUCTION NO. 6:**

14 Please produce ALL DOCUMENTS that RELATE TO YOUR 1692g notices, including but not  
15 limited to every sample collection letter YOU send to alleged debtors.

16 **REQUEST FOR PRODUCTION NO. 7:**

17 Please produce ALL form letters, enclosures, envelopes, complaints, memoranda, etc., used by  
18 COLLINS in YOUR debt collection activity.

19 **REQUEST FOR PRODUCTION NO. 8:**

20 Please produce ALL DOCUMENTS YOU relied upon to verify Plaintiff David Tourgeman's  
21 alleged debt.

22 **REQUEST FOR PRODUCTION NO. 9:**

23 Please produce ALL DOCUMENTS that RELATE TO COLLINS' collection practices and  
24 procedures.

25 **REQUEST FOR PRODUCTION NO. 10:**

26 Please produce ALL DOCUMENTS that RELATE TO financial arrangements between YOU  
27 and NELSON.  
28

1 **REQUEST FOR PRODUCTION NO. 11:**

2 Please produce ALL DOCUMENTS that RELATE TO the financial arrangement between YOU  
3 and Dell Financial Services, Inc. - including any of its past or present agents, employees,  
4 representatives, attorneys, accountants, investigators, assigns, subsidiaries, or parent companies,  
5 predecessors-in-interest, successors-in-interest, affiliates, or anyone else acting on Dell Financial  
6 Services, Inc.'s behalf.

7 **REQUEST FOR PRODUCTION NO. 12:**

8 Please produce ALL DOCUMENTS pertaining to the number of alleged debtors that YOU filed  
9 complaints against from July 31, 2007 to the present.

10 **REQUEST FOR PRODUCTION NO. 13:**

11 Please produce ALL DOCUMENTS pertaining to the number of alleged debtors that YOU  
12 mailed letters to requesting payment of an alleged debt from July 31, 2007 to the present.

13 **REQUEST FOR PRODUCTION NO. 14:**

14 Please produce ALL DOCUMENTS that RELATE TO YOUR investigation of Plaintiff David  
15 Tourgeman's alleged debt.

16 **REQUEST FOR PRODUCTION NO. 15:**

17 Please produce ALL DOCUMENTS RELATING TO YOUR organization of COLLINS'  
18 employees, including any subsidiaries or affiliates.

19 **REQUEST FOR PRODUCTION NO. 16:**

20 Please produce ALL copies of each complaint in any litigation filed against COLLINS, if any,  
21 alleging violations of the Fair Debt Collection Practices Act and the Rosenthal Act.

22 **REQUEST FOR PRODUCTION NO. 17:**

23 Please produce ALL DOCUMENTS that RELATE TO YOUR policy for the retention and  
24 destruction of records, DOCUMENTS, or files from July 31, 2007 to the present.

25 **REQUEST FOR PRODUCTION NO. 18:**

26 Please produce ALL DOCUMENTS that RELATE TO the complaint YOU filed as a plaintiff in  
27 San Diego Superior Court on August 2, 2007, Case No. 37-2007-00072265-CL-CL-CTL ("*Collins v.*  
28



1 *Tourgeman*”), including, but not limited to, all documents YOU relied on in authorizing the complaint’s  
2 filing.

3 **REQUEST FOR PRODUCTION NO. 19:**

4 Please produce ALL DOCUMENTS relating to the maintenance or change of procedures by  
5 COLLINS adopted to avoid any violation of the Fair Debt Collection Practices Act and the Rosenthal  
6 Act.

7 **REQUEST FOR PRODUCTION NO. 20:**

8 Please produce ALL DOCUMENTS RELATING TO insurance policies covering COLLINS for  
9 civil law violations, including breach of contract, California’s Unfair Competition Laws, the Federal  
10 Debt Collection Practices Act and the Rosenthal Act.

11 **REQUEST FOR PRODUCTION NO. 21:**

12 Please produce ALL DOCUMENTS that RELATE TO an investigation of COLLINS by an  
13 AGENCY for violations of California’s Unfair Competition Laws, the Federal Debt Collection  
14 Practices Act and the Rosenthal Act.

15 **REQUEST FOR PRODUCTION NO. 22:**

16 Please produce ALL DOCUMENTS that RELATE TO the retention agreements, including the  
17 retention agreements themselves (or other operative document describing the respective duties and  
18 obligations of client and attorney), if any, between COLLINS and NELSON.

19 **REQUEST FOR PRODUCTION NO. 23:**

20 Please produce ALL DOCUMENTS that RELATE TO COLLINS’ phone calls, including but  
21 not limited to phone records and call logs, placed to David Tourgeman, Cesar Tourgeman, Rebecca  
22 Tourgeman or anyone else for the purposes of collecting David Tourgeman’s alleged debt.

23 **REQUEST FOR PRODUCTION NO. 24:**

24 Please produce ALL DOCUMENTS that RELATE TO COLLINS’ policies and procedures for  
25 settling alleged debts with debtors.



1 **REQUEST FOR PRODUCTION NO. 25:**

2 Please produce ALL DOCUMENTS that RELATE TO COLLINS' revenue for each calendar  
3 year from 2005 to the present, including but not limited to financial summaries, period reports, tax  
4 returns and financial statements.

5 **REQUEST FOR PRODUCTION NO. 26:**

6 Please produce ALL DOCUMENTS that RELATE TO COLLINS' processes for transmitting  
7 account information of debtors to NELSON.

8 **REQUEST FOR PRODUCTION NO. 27:**

9 Please produce ALL DOCUMENTS that RELATE TO the contractual relationship between  
10 YOU and Dell Financial Services, Inc. - including any of its past or present agents, employees,  
11 representatives, attorneys, accountants, investigators, assigns, subsidiaries, or parent companies,  
12 predecessors-in-interest, successors-in-interest, affiliates, or anyone else acting on Dell Financial  
13 Services, Inc.'s behalf.

14 **REQUEST FOR PRODUCTION NO. 28:**

15 Please produce ALL DOCUMENTS that RELATE TO COLLINS' contracts with skip-tracing  
16 services and other data providers YOU use to find current information for any alleged debtor.

17  
18 DATED: April 2, 2009

JOHNSON BOTTINI, LLP

19  
20 By: 

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21  
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10 *Attorneys for Plaintiff DAVID TOURGEMAN*

11 **UNITED STATES DISTRICT COURT**  
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 DAVID TOURGEMAN,

14 Plaintiff,

15 vs.

16 COLLINS FINANCIAL SERVICES, INC., a  
17 corporation; NELSON & KENNARD, a  
partnership, DELL FINANCIAL SERVICES,  
18 L.P., a limited partnership; DFS  
ACCEPTANCE, a corporation; DFS  
19 PRODUCTION, a corporation, AMERICAN  
INVESTMENT BANK, N.A., a corporation;  
20 and DOES 1 through 10, inclusive,

21 Defendants.

CASE NO.: 08-CV-1392-JLS(NLS)

**PLAINTIFF DAVID TOURGEMAN'S  
SPECIAL INTERROGATORIES TO  
DEFENDANT COLLINS FINANCIAL  
SERVICES, INC. (SET ONE)**

Judge: Honorable Janis L. Sammartino

22 **PROPOUNDING PARTY: Plaintiff DAVID TOURGEMAN**

23 **RESPONDING PARTY: Defendant COLLINS FINANCIAL SERVICES, INC.**

24 **SET NO.: ONE**

25 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff David Tourgeman hereby  
26 requests that Defendant Collins Financial Services, Inc. answer separately and under oath the following  
27 Special Interrogatories within thirty (30) days from the date of service.  
28

**GENERAL INSTRUCTIONS**

1. Each Interrogatory should be answered upon your entire knowledge from all sources and all information in your possession or otherwise available to you, including information from your officers, employees, agents, representatives, or consultants and information which is known by each of them. An incomplete or evasive answer is a failure to answer.

2. If any answer is qualified, state specifically the terms of each qualification and the reasons for it. If an Interrogatory cannot be answered in full, state the part which can be answered and answer the same in full to the extent possible; state further and specifically the reason(s) why the remainder cannot be answered.

3. Unless otherwise specified in a particular paragraph, provide the information and documents requested for the period of July 31, 2007 to the present. Each Interrogatory is considered continuing, and, if Collins Financial obtains information which renders its answers, or one of them, incomplete or inaccurate, Collins Financial is obligated to serve amended answers on the undersigned.

4. The terms "document" or "documents" in these Interrogatories shall refer to all writings and recorded materials, of any kind, that are or have been in the possession, custody, or control of Collins Financial of which Collins Financial has knowledge, whether originals or copies. Such writings or recordings include, but are not limited to, contracts, documents, notes, rough drafts, interoffice memoranda, memoranda for the files, letters, research materials, correspondence, logs, diaries, forms, bank statements, tax returns, card files, books of account, journals, ledgers, invoices, diagrams, drawings, computer files, records, documents, data, print-outs or tapes, reports, statistical computations, studies, graphs, charts, minutes, manuals, pamphlets, or books of all nature and kind, whether handwritten, typed, printed, mimeographed, photocopied, or otherwise reproduced, all tape recordings (whether for computer, audio, or visual replay) or other written, printed, and recorded matter or tangible things on which words, phrases, symbols, or information are recorded.

5. A request to identify a document is a request to state as applicable:

1. The date of the document;
2. The type of document;

3. The names and present addresses of the person or persons who prepared the document and of the signers and addressers of the document;
4. The name of the employer or principal whom the signers, addressers, and preparers were representing;
5. The present location of the document;
6. The name and current business and home addresses of the present custodians of the original document, and any copies of it;
7. A summary of the contents of the document; and
8. If the original document was destroyed, the date and reason for or circumstances under which it was destroyed.

6. If any Interrogatory may be answered fully by a document, the document may be attached in lieu of an answer if the document is marked to refer to the Interrogatory to which it responds.

### **SPECIAL INTERROGATORIES**

#### **SPECIAL INTERROGATORY NO. 1:**

Please identify the number of persons and entities in the United States who you contacted for the purposes of debt collection from July 31, 2007 to the present. (As used throughout these interrogatories, "COLLINS" or "Collins Financial" means Defendant Collins Financial Services, Inc. and any of its past or present agents, employees, representatives, attorneys, accountants, investigators, assigns, predecessors-in-interest, successors-in-interest, or anyone else acting on Collins Financial Services, Inc.'s behalf.)

#### **SPECIAL INTERROGATORY NO. 2:**

Please state the name(s), business address(es), and job title(s) or capacity(ies) of the officer(s), employee(s), or agent(s) answering or providing any information used to answer each Interrogatory.

#### **SPECIAL INTERROGATORY NO. 3:**

Please state the form of COLLINS' organization, including all subsidiaries and affiliates, and the date and place the organization was organized and registered and/or licensed to do business.

1 **SPECIAL INTERROGATORY NO. 4:**

2 Please describe COLLINS' procedures and policies for receiving debt related information from  
3 the entity COLLINS purchases debt from.

4 **SPECIAL INTERROGATORY NO. 5:**

5 Please describe COLLINS' procedures and policies for verifying debt related information from  
6 the entity COLLINS purchases debt from.

7 **SPECIAL INTERROGATORY NO. 6:**

8 Please describe COLLINS' procedures and policies for investigating the addresses of alleged  
9 debtors prior to attempting contact.

10 **SPECIAL INTERROGATORY NO. 7:**

11 Please describe COLLINS' procedures and policies for determining the debt amount COLLINS  
12 demands from alleged debtors, including but not limited to, the method of calculating principal owed,  
13 interest assessed and penalties applied.

14 **SPECIAL INTERROGATORY NO. 8:**

15 Please describe COLLINS' procedures and policies for settling outstanding alleged debts from  
16 alleged debtors.

17 **SPECIAL INTERROGATORY NO. 9:**

18 Please identify all law firms that COLLINS retained - from July 31, 2006 to the present - for the  
19 purposes of collecting debts.

20 **SPECIAL INTERROGATORY NO. 10:**

21 Please identify all lawsuits for breach of contract, Rule 3.740 collections cases, violations of the  
22 FDCPA and violations of the Rosenthal Act -by caption, court, civil action number, and result - that  
23 COLLINS is or has been a party to since July 31, 2006.

24 **SPECIAL INTERROGATORY NO. 11:**

25 Did COLLINS make any substantive changes in company policy from July 31, 2006 to the  
26 present? If so, please identify and describe any substantive changes COLLINS made - from July 31,  
27 2006 to the present - to any COLLINS policy or procedure in an effort to comply with the provisions of  
28 the Federal Debt Collection Practices Act.

1 **SPECIAL INTERROGATORY NO. 12:**

2 Please describe the compensation agreements between COLLINS and any law firm COLLINS  
3 uses to file complaints against alleged debtors for breach of contract.

4 **SPECIAL INTERROGATORY NO. 13:**

5 Please identify COLLINS' policies and procedures for when a 1692g notice is returned to  
6 COLLINS undelivered.

7 **SPECIAL INTERROGATORY NO. 14:**

8 Please identify the documents COLLINS relied upon to confirm the amount of David  
9 Tourgeman's debt.

10 **SPECIAL INTERROGATORY NO. 15:**

11 Please identify all trade associations relating to debt collection to which COLLINS belongs.

12 **SPECIAL INTERROGATORY NO. 16:**

13 Please identify the number of letters threatening legal action COLLINS sent in each calendar  
14 year from 2005 to the present

15 **SPECIAL INTERROGATORY NO. 17:**

16 Please describe the position at COLLINS that prepares the affidavit authorizing legal action  
17 against an alleged debtor, including but not limited to the position's duties, responsibilities, job  
18 requirements, and the number of people who perform this task for COLLINS.

19 **SPECIAL INTERROGATORY NO. 18:**

20 Please describe the process COLLINS uses to skip trace debtors in the event of a debtor's  
21 address or phone number change.

22 **SPECIAL INTERROGATORY NO. 19:**

23 If COLLINS' response to Plaintiff David Tourgeman's Requests for Admission (Set One)  
24 Request 3 served concurrently with Plaintiff David Tourgeman's Special Interrogatories is anything  
25 other than an unqualified admission, please explain the basis for COLLINS' denial.

26 **SPECIAL INTERROGATORY NO. 20:**

27 If COLLINS' response to Plaintiff David Tourgeman's Requests for Admission (Set One)  
28 Request 11 served concurrently with Plaintiff David Tourgeman's Special Interrogatories is anything

1 other than an unqualified admission, please explain the basis for COLLINS' denial.

2  
3 DATED: April 2, 2009

JOHNSON BOTTINI, LLP

4  
5 By: 

DEREK J. WILSON

6  
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